

5 **REMARKS:**

It is respectfully requested that the claims be amended pursuant to Rule 312 as indicated in the preceding section.

10 Due to a misunderstanding the Examiner had amended claims 1 and 7, replacing "can be" with "is/are". The present amendment is a request to reverse those changes. In addition a spelling error in claim 11 has been corrected.

15 The "whereby" clauses of the claims recite desirable results of the invention but are not part of the definition of the invention.

20 The specification teaches a compound phase pattern that can be used as a position reference for "other machines" as well as magnetic recording systems. A demonstration in a non-magnetic system was shown in the Applicant's paper submitted as part of the IDS filed on 2005-02-23.

25 **Comments on Statement of Reasons for Allowance:**

The "Reasons for Allowance" are too narrow because the application has always described a compound phase pattern that can be used in "**other machines**" as well as in magnetic recording devices.

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5 **CONCLUSIONS:**

Applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore he respectfully requests that the claims be modified as shown above pursuant to Rule 312.

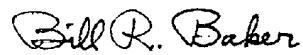
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Conditional Request for Constructive Assistance

Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure that is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

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Very respectfully,



Bill R. Baker

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Applicant Pro Se

3824 Vineyard Drive
Redwood City, CA 94061
Tel. (650) 366-4516; Fax (208) 361-9112

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